



ADMINISTRATIVE PROCEDURE C-PE13-P1

# Enforcement Services Investigation Procedures

PREPARED BY:	Enforcement Services	LS REVIEW DATE:	March 14, 2019
EFFECTIVE DATE:		APPROVALS:	
PREVIOUS REVISION DATE:	NEW	DIRECTOR/MANAGER:	_____
REFERENCES:	Enforcement Services Investigation Policy C-PE13 Animal Control Bylaw 2015-09 Community Standards Bylaw 03-2012 Fire Bylaw 06-2011 Land Use Bylaw 2017-18 Municipal Government Act Freedom of Information and Protection of Privacy (FOIP) Act Provincial Offences Procedure Act Parks Bylaw No. 44-2002 Off-Highway Vehicle Bylaw No. 04-2011 And all other Legislative Authorities	GENERAL MANAGER:	_____
		CAO:	_____
		FUNCTION:	Enforcement

## PURPOSE

The purpose of this procedure is to provide processes to govern the management of complaints received by Enforcement Services that allege a Bylaw, Provincial Act or Regulation violation and to guide the subsequent investigation.

## DEFINITIONS

The following definitions and interpretations apply in this procedure:

1. "Anonymous" means a complaint submitted with no complainant details including name, phone number and address.
2. "Bylaw" means a Parkland County Bylaw as designed and enforced in accordance with the *Municipal Government Act* (MGA).
3. "CAO" means the Chief Administrative Officer of Parkland County.
4. "Complainant" means a Resident or member of the general public who contacts Parkland County Enforcement Services to report a potential Violation to a Bylaw, Provincial Act or Regulation.
5. "County" means the Municipality of Parkland County.

6. "Designate" means a Parkland County Enforcement Services Supervisor.
7. "Director" means the Parkland County Director, Enforcement Services.
8. "Elected Officials" are the Mayor and Councillors of Parkland County.
9. "Enforcement Services" means Parkland County Enforcement Services.
10. "Formal Complaint" means a complaint received by Staff, wherein the complainant provides their full name, address, phone number and complaint property information that can be verified by the Officer.
11. "Management" means Parkland County senior administration staff including General Managers, County Solicitor, Chief Financial Officer, Chief Administrative Officer and Elected Officials.
12. "Neighbour Dispute" means a negative and/or inflammatory relationship between two or more Parkland County residents.
13. "Officer" means a person appointed by Parkland County for the purposes of Municipal Bylaw Enforcement including, but not limited to, a Peace Officer or Municipal Bylaw Enforcement Officer.
14. "Provincial Act or Regulations" means an Act or Regulation contained within *Alberta's Provincial Offences Procedure Act* (POPA) and enforced by Parkland County Peace Officers.
15. "Public" means a person or persons using any property for recreational or business purposes within the geographic boundaries of Parkland County.
16. "Resident" means a person or persons residing in a subdivision, hamlet or property within the geographic boundaries of Parkland County.
17. "Report Exec" is the software used by Parkland County Enforcement Services for recording and documenting all elements of an investigation.
18. "Reporting" means the action of advising Parkland County Enforcement Services of a perceived Violation to a Bylaw, Provincial Act or Regulation.
19. "Subject of Complaint" means the person or persons accused of violating a Bylaw, Provincial Act or Regulation.
20. "Vexatious" means causing or intending to cause annoyance, frustration, or worry.
21. "Vexatious Complaint" means a complaint filed in ill will or with the intent of malice towards another person and may include retaliatory complaints and neighbour disputes.
22. "Violation" means a disregard for or direct action taken by a Resident or member of the Public that contradicts a Parkland County Bylaw, Provincial Act or Regulation.

## **STANDARDS**

Complaints concerning potential Violations to a Bylaw, Provincial Act or Regulation are reported by Residents or the Public for investigative action.

## **ACTION STEPS**

Parkland County Enforcement Services, with the support and direction from Senior Administration, will conduct all investigations using the following guidelines.

### **Complaint Management**

#### **1. Response Guidelines**

- a. Enforcement Staff will respond to Formal Complaints on an as needed basis.
- b. Officers may conduct a proactive investigation if a Violation to a Bylaw, Provincial Act or Regulation is witnessed and particularly if the incident may represent an immediate injury, threat to life or damage to property.
- c. Any decision regarding the outcome of an investigation, including a decision made by the Director or Designate may, at any time, be revisited. A decision of one Officer in this respect will not bind another.

#### **2. Response Procedures**

- a. Receipt and Confirmation of Complaint
  - i. Upon receipt of a Formal Complaint, staff shall record all investigation details in a Report Exec file. Staff shall encourage the Complainant to describe the alleged violation (“who”, “what”, “why”, “when” and “where”).
  - ii. Staff will advise the Complainant that their name and any personal information provided by them will remain in the strictest of confidence, in accordance with FOIP and will not be revealed except through Court process (Disclosure) or other tribunal or body of competent jurisdiction.
  - iii. An Officer will conduct a preliminary review of the Complaint to verify the accuracy of the information and research any supporting documentation.
  - iv. An Officer will contact the Complainant, when necessary, for further details or to confirm or clarify information provided within the Formal Complaint.
- b. Investigation
  - i. An Officer shall attend the location of the alleged Violation to witness and document activity to determine if a contravention exists. If the Officer determines the matter is not a contravention of any Bylaw, Provincial Act or Regulation, they will advise the Complainant, enter the resolution date and details into Report Exec, and conclude the investigation file.

#### **3. Investigation Process – Stage I**

- a. If an Officer determines that a violation exists, he or she may proceed as follows:
  - i. If a Bylaw has established set fines for violations, an Officer may, at his/her discretion, immediately issue an offence notice/ violation ticket; or
  - ii. Shall provide an initial warning to the violator in person, by telephone or in writing and provide a time limit for voluntary compliance.

- b. An Officer shall notify any internal departments and outside agencies with jurisdiction, or who may be required to assist, including Fire Services, Engineering and Planning, Public Works, Regional Public Health or the Ministry of Environment.
  - c. Where a situation poses an immediate threat to health and safety, an Officer may issue an emergency order to remedy a violation in lieu of an initial warning.
  - d. After a warning or order has expired, an Officer will return to the site to determine if the issue has been resolved. Upon confirming that the warning or order has been complied with, staff will conclude the investigation file and document any resolution details in Report Exec.
- 4. Investigation Process – Stage II**
- a. If a warning or order has not been resolved:
    - i. A second written warning or formal order may be issued, and the investigating Officer will issue a final time period in which to comply; or
    - ii. If legal action is required, the Officer may issue a violation ticket or charge when it appears that compliance is not forthcoming.

#### **Complaint Categories and Required Action(s)**

##### **5. Anonymous Complaints**

Anonymous calls will be entered into Report Exec but no formal action will be taken unless the complaint involves an immediate threat to health or safety, or damage to property.

##### **6. General Complaints**

General Complaints, where the Complainant's information and all details relative to the alleged violation have been provided, will be investigated by an Officer using the processes identified in items 1 – 4 above.

##### **7. Vexatious Complaints**

- a. Where multiple Complaints are received from a single person, or where a single person continuously submits the same type of complaint on an ongoing basis, an Officer will conduct an investigation and determine the appropriate level of response. The level of response may include a decision to act on some or all of the Complaints, not to act on some or all of the Complaints, or to assign priority to some or all of the Complaints. If a decision not to act is reached, this will be conveyed to the Complainant and the Subject of Complaint in writing. This information will then be shared with the CAO.

In making their decision on the appropriate level of response to such Complaints, an Officer will consider the following criteria:

- i. Safety factors;
- ii. Available resources;
- iii. Potential impact on the Complainant;
- iv. Potential impact of not responding;
- v. Impact on the immediate neighbourhood;

- vi. Complaints that appear to result from a form of vendetta or retribution, or are otherwise deemed to be frivolous and Vexatious;
- vii. Offer for formal remediation;
- viii. Coordinating involvement with other relevant agencies.

In situations where an Officer is involved in a dispute between two or more people, where it has become obvious that the Officer's involvement will not achieve a reasonable resolution to their dispute, an Officer may decide, upon consultation with the Director or Designate, on an appropriate level of further involvement. The level of involvement may include a decision to suspend further involvement or take no further action in the dispute which will be conveyed to the Complainant and the Subject of Complaint in writing. This information will be shared with the CAO.

- b. In making their decision as to the level or further involvement with the dispute, staff will have regard to the following criteria: This information will be shared with the CAO:
  - i. Safety factors;
  - ii. History of attempts to mediate by staff;
  - iii. Offer for formal mediation;
  - iv. Coordinating involvement with other relevant agencies;
  - v. The number of unfounded Complaints;
  - vi. Apparent attempts to purposely aggravate the situation;
  - vii. The number of complaints or concerns registered that do not fall within the jurisdiction of Parkland County Bylaws.
- c. Vexatious Complaints will be entered into Report Exec and investigated. Following conclusion of the investigation, a letter will be provided to the Complainant and the subject of complaint that specifically identifies the Complaint as Vexatious. A copy of the letters will be provided to the CAO.